

## **REMARKS**

### **I. Current Status of the Claims**

Claims 1-9 and 20-26 are pending. Claims 10-19 were previously canceled. Claims 21-26 have been allowed. Claims 1 and 6-9 presently stand rejected, but applicant respectfully requests reconsideration and withdraw of these rejections based on a new amendment to claim 1 and the remarks provided herein. Dependent claims 2-4 and 20 are presently withdrawn from consideration as being directed toward a non-elected invention, but applicant is soliciting rejoinder and allowance of these claims if the rejection of generic independent claim 1 is withdrawn. Claim 5, to which the examiner has objected, is hereby cancelled by this amendment.

### **II. Substance of the 22JUN04 Interview (Provided Per MPEP § 713.04)**

Examiner Christopher Bottorff and applicant Joshua C. Harrison participated in a telephonic interview on June 22, 2004. During the telephonic interview, the applicant proposed amending claim 1 to add the phrase: "said plurality of firm features including all such firm features on the platform retention assembly that contact firm mating features of the binding support platform". The applicant also began to distinguish the Schnitzhofer reference according to the arguments made in applicant's 26FEB04 response but the examiner pointed out that this was not appropriate given the post-final procedural posture of the case. The examiner noted that the proposed amendment to claim 1 would likely contain new issues requiring further search or consideration, which would not be entered after final. The examiner and the applicant agreed that the most proper and temporally efficient way to present the proposed amendment for consideration would be in conjunction with an RCE. Of course, that is the motivation and purpose of the RCE, amendment, and remarks provided herein.

### **III. The New Amendment to Claim 1 Corrects the Irrelevancy of the Applicant's 26FEB04 Traversal of the §103 Rejection of Claims 1 and 6-9**

Claims 1 and 6-9 presently stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schnitzhofer US 6,209,904 in view of Balmain US 5,782,475.

Applicant traversed this rejection on several grounds in applicant's 26FEB04 response. One of the grounds of traversal was the identification of at least one claim element that was absent in both references. Another ground was that the Schnitzhofer reference explicitly teaches away from the identified absent claim element. Another ground was a distinction between the torsional characteristics of the Schnitzhofer invention and the present invention.

However, the examiner pointed out that the grounds for applicant's traversal were irrelevant because the distinguishing claim element was not actually claimed by the applicant.

Specifically, the examiner wrote:

"Applicant asserts that components 13a and 13b of Schnitzhofer must also be considered as firm features and not only components 12. **However, this is not required by the claims.** Claim 1 only requires that a plurality of firm features and mating features all have the claimed contact arrangement." (See 25MAY04 Office Action at page 5, lines 11-14 (emphasis added))

The examiner also wrote:

"The presence of additional firm contacts on the snowboard of Schnitzhofer is irrelevant, **since the claims do not require** the consideration of all firm features or exclude the presence of firm features that do not have the claimed contact arrangement." (See *Id.* at page 5, lines 17-20 (emphasis added))

The examiner also wrote:

"Also, the alleged distinction between the torsional characteristics of Schnitzhofer and the present invention **has not been captured by the claims.**" (See *Id.* at page 6, lines 2-4 (emphasis added))

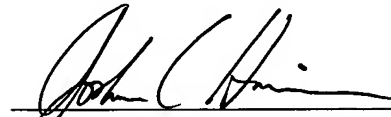
Applicant's new amendment to claim 1, provided herein, corrects the irrelevancy of applicant's traversal by inserting the aforementioned requirement into the rejected claims. Specifically, claim 1 as newly amended restricts the claim scope to exclude the presence of firm features that do not have the claimed contact arrangement. Consequently, claim 1 now includes the limitation that was the basis for the applicant's 25FEB04 traversal, and now the various grounds for applicant's 25FEB04 traversal are no longer irrelevant.

Accordingly, applicant respectfully requests reconsideration of the various grounds for applicant's 25FEB04 traversal of the rejection of claims 1 and 6-9, and withdraw of the rejection.

Since generic independent claim 1 is now in condition for allowance, applicant also respectfully requests rejoinder and allowance of dependent claims 2-4 and 20.

Respectfully submitted,

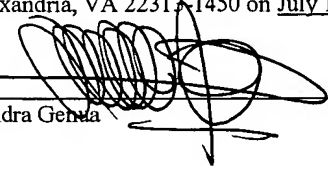
Dated: July 15, 2004



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: M/S RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22317-1450 on July 15, 2004.



Sandra Genoa

Date

July 15, 2004